

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:**  
**FILE NUMBER:**

Omaha District, South Dakota Regulatory Office  
200430101

**REGULATORY PROJECT MANAGER:**

Jim Oehlerking

**Date:** 7/8/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:**

In the office Y (Y/N)

**Date:** 4/6/2004

At the project site N (Y/N) **Date:** \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

**State:**

South Dakota

**County:**

Faulk

**Center coordinates of site by latitude & longitudinal coordinates:**

Lat 45-10-17.8911 Long 99-07-8.0710

**Approximate size of site/property (including uplands & in acres):**

40 acres

**Name of waterway or watershed:**

James River

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
_____									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved ☒.

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The project site is a pasture/hay field within the city which is adjacent to the elevator. The wetland is approximately 8 acres in size and has had little, or no, disturbance in the past and would be classed as a seasonal wetland. The wetland has no surface water connection to a tributary of waters of the US, is in the upper portion of the watershed, has no public boat ramp, can not be utilized for interstate commerce/trade and has no ICC that meets the Corps of Engineers criteria. The USGS Quad. map, the US NRCS wetland map, aerial photos, applicants knowledge of the area and the hydrological data for the state were utilized for the JD determination.